February 02, 2005

DIVISION ONE

B173806   Oscar Malkhoo   (Not for Publication)
           v.
           City of Long Beach

           The judgment (December 19, 2003) is affirmed. City is awarded its costs
           on appeal.

                                                     Suzukawa, J. (Assigned)

           We concur: Spencer, P.J.
                        Mallano, J.

DIVISION TWO

B171956   People   (Not for Publication)
           v.
           Esquer

           The judgment is affirmed.

                                                     Nott, Acting P.J.

           We concur: Doi Todd, J.
                        Ashmann-Gerst, J.

DIVISION TWO (Continued)

B172909   Keifer et al.   (Not for Publication)
            v.
            Horton et al.

The order is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
              Ashmann-Gerst, J.

B175741   Graphic Arts Mutual Insurance Co.   (Certified for Publication)
            v.
            Time Travel International Inc.

The judgment of dismissal is reversed. Appellant(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
              Ashmann-Gerst, J.

DIVISION THREE

B175010   People   (Not for Publication)
            v.
            Jimenez

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
              Aldrich, J.

DIVISION THREE (Continued)

B175784   Los Angeles County, D.C.S.   (Not for Publication)
           v.
           Terry M.

Based upon the foregoing, the juvenile court order denying Father's Welfare and Institutions Code section 388 petition is reversed and this action is remanded to the juvenile court for the DCFS to comply with the ICWA notice requirements. After Indian entities receive proper notice under the ICWA, if the children--Amanda, Andrew, Zachary or Nicholas-- are determined not to be Indian children and the ICWA does not apply, the juvenile court shall reinstate the previous order denying father's section 388 petition. Alternatively, after Indian entities receive proper notice under the ICWA, if the children are determined to be Indian children and the ICWA applies to these proceedings, Father is entitled to petition the juvenile court to invalidate orders which violated 25 United States Code sections 1911, 1912, and 1913. (See 25 U.S.C. 1914; Cal. Rules of Court, rule 1439(n); In re Marinna J. (2001) 90 Cal.App.4th 731, 740; In re Desiree F. (2000) 83 Cal.App.4th 460, 477-478.)

                                Kitching, J.

We concur: Croskey, Acting P.J.
                Aldrich, J.

DIVISION FIVE

B174243   Jesus Roberto Flores   (Not for Publication)
           v.
           Greyhound Lines, Inc. et al.

The judgment is affirmed. Respondents Greyhound Lines, Inc. and Sistema International De Transporte De Autobuses, Inc. are awarded their costs on appeal.

                                Kriegler, J. (Assigned)

We concur: Turner, P.J.
                Mosk, J.

DIVISION FIVE (Continued)

B174149   People   (Not for Publication)
                 v.
                 Victor Medford

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
               Kriegler, J. (Assigned)

B177405   People   (Not for Publication)
                 v.
                 Michael Parks

The judgment is affirmed.

Turner, P.J.

I concur: Kriegler, J. (Assigned)
I concur: Mosk, J. (opinion)

B175621   People   (Not for Publication)
                 v.
                 Robert W.

The judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Turner, P.J.
               Armstrong, J.

DIVISION FIVE (Continued)

B174893 People   (Not for Publication)
    v.
    Roberto Vigil

    Defendant's sentence of seven years is reversed. Defendant is to be
    sentenced to the upper term of three years, plus one year for the prior prison
    term enhancement. Additionally, the abstract of judgment is to be corrected
    to reflect that defendant was convicted by a jury. The judgment is affirmed
    in all other respects.

              Turner, P.J.

    We concur: Armstrong, J.
         Kriegler, J. (Assigned)

B172335 People   (Not for Publication)
    v.
    James Loaiza

    The judgment is affirmed.

              Armstrong, Acting P.J.

    We concur: Mosk, J.
         Kriegler, J. (Assigned)

DIVISION SIX

B176970 People   (Not for Publication)
    v.
    Castro

    The judgment is affirmed.

              Coffee, J.

    We concur: Gilbert, P.J.
         Yegan, J.

DIVISION SIX (Continued)

B171884   People   (Not for Publication)
               v.
               Marzec

The clerk of the court shall amend the abstract of judgment to accurately describe the crimes underlying counts 2 and 10, and shall forward a copy of the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
                Yegan, J.

B172312   People   (Not for Publication)
               v.
               Louviere

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
                Perren, J.

B173131   Astenius et al.   (Certified for Publication)
               v.
               State of Calif.

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
                Coffee, J.

DIVISION SIX (Continued)

B170652   Aguayo   (Not for Publication)
                 v.
                 Vizard

We affirm the judgment but remand with directions to calculate the amount of the community interest in husband's disability retirement benefits consistent with this opinion. The parties shall bear their own costs on appeal.

                                                   Coffee, J.

We concur: Gilbert, P.J.
                Perren, J.

B176769   People
                 v.
                 Lemus

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed 7/16/04) dismissed.

DIVISION SEVEN

B178401   Geddes   (Certified for Publication)
                 v.
                 Superior Court, Los Angeles County
                 (Campbell, r.p.i.)

Petition for writ of mandate granted. The order vacating the disqualification is vacated. On remand, the respondent court is directed to reassign the matter to Judge Mayeda for further proceedings consistent with the opinions of this Court in this matter. Real parties in interest are entitled to their costs on appeal.
                                             Zelon, J.

We concur: Perluss, P.J.
                Johnson, J.

DIVISION EIGHT

B173597   People   (Not for Publication)
                  v.
                  Perez

The judgment is affirmed.

                                       Boland, J.

We concur: Cooper, P.J.
                Flier, J.

B172148   People   (Not for Publication)
                  v.
                  Ted Darnell Daniels, Jr.,

The judgment is reversed.

                                       Boland, J.

We concur: Rubin, Acting P.J.
                Flier, J.

B171160   People   (Not for Publication)
                  v.
                  Veiza

The judgment is affirmed. Unless the trial court has already corrected the abstract of judgment, it is ordered to issue an amended abstract of judgment conforming to the actual sentence imposed, as described in this opinion.

                                       Boland, J.

We concur: Rubin, Acting P.J.
                Flier, J.